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Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653-KRH

(Jointly Administered)

**ORDER GRANTING LIQUIDATING TRUST'S FIFTEENTH  
AND FORTY-THIRD OMNIBUS OBJECTIONS TO  
CLAIM NUMBERS 9721 and 12911  
(Claimants – KeyBank N.A./U.S. Bank N.A. and  
WEC-96 D Appleton 2 Investment Trust)**

THIS MATTER having come before the Court<sup>1</sup> on the Liquidating Trust's (1) Fifteenth Omnibus Objection to Landlord Claims (Reduction of Certain Partially Invalid Claims, Reclassification of Certain Misclassified Claims, Disallowance of Certain Invalid Claims, Disallowance of Certain of Late Filed Claims, Disallowance of Certain Duplicate Claims and Disallowance of Certain Amended Claims), (2) Forty-Third Omnibus Objection to Landlord and Contractor Claims (Reduction of Certain Partially Invalid Claims, Reclassification of Certain Misclassified Claims, Disallowance of Certain Invalid Claims, Disallowance of Certain of Late

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Objections.

Filed Claims, and Disallowance of Certain Amended Claims) (collectively, the “Objections”); and (3) Notice of Substantive Hearing (“Notice of Substantive Hearing”) that requested, among other things, that (a) claim number 9721 be reduced and allowed as a general unsecured claim in the amount of \$938,617.92 (the “GUC Claim”); (b) claim number 12911 be expunged as duplicative; and (c) payment on the GUC Claim may be made solely to KeyBank National Association (“KeyBank”) as special servicer for U.S. Bank National Association, as trustee for the registered holders of GMAC Commercial Mortgage Securities, Inc., Mortgage Pass-Through Certificates, Series 1998-C2 (“Lender Trust”) as the holder of all beneficial interest; and it appearing that due and proper notice and service of the Objections and Notice of Substantive Hearing and the hearing (the Hearing”) as set forth therein was good and sufficient and that no other further notice or service of the Objections or the Hearing need be given; and it appearing that the relief requested in the Objections and at the Hearing is in the best interest of the Liquidating Trust, the Debtors’ estates, and creditors and other parties-in-interest; and after due deliberation thereon good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:

1. The Objections are GRANTED as provided herein.
2. Claim number 12911 is hereby EXPUNGED.
3. Claim number 9721 is hereby reduced and allowed as a general unsecured claim in the amount of \$938,617.92.
4. The Liquidating Trust shall make payment on the GUC Claim to KeyBank as special servicer for Lender Trust. All other potential interests in the GUC Claim are hereby extinguished.

5. The Liquidating Trust shall serve a copy of this Order on the claimants as served by the Notice of Substantive Hearing.

6. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to this Order.

Dated: Jan 27 2017  
Richmond, Virginia

/s/ Kevin R Huennekens

HONORABLE KEVIN R. HUENNEKENS  
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket:1/27/17

WE ASK FOR THIS:

TAVENNER & BERAN, PLC

/s/ Paula S. Beran

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*Counsel for the Circuit City Stores, Inc. Liquidating Trust*

**CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)**

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Paula S. Beran  
Paula S. Beran